

DECLARATION OF AUTHORISED OFFICER OF ORGANISATION under Regulation 126 of the Fair Work (Registered Organisations) Regulation 2009

ALTERATION OF RULES OF AN ORGANISATION under section 159 of the Fair Work (Registered Organisations) Act 2009

I, Nick McIntosh of Level 2, 380-399 Sussex Street Sydney NSW, declare as follows:

1. I am the National Assistant Secretary of the Transport Workers' Union of Australia (**TWUA**) and, as such, am authorised to give this notice of particulars of alterations to the rules of the Transport Workers Union of Australia.
2. The alterations were made in accordance with the rules of the Transport Workers Union of Australia.
3. Rule 85 permits the National Council to amend the rules.
4. On 9 April 2022, the National Secretary sent the NSW/Qld (Interim Governance), Victorian, South Australian and Western Australian Branch Secretaries a letter via email regarding proposed amendments to the rules to be considered at the annual National Council from 9 to 12 May 2022. The letter explained the reason for the proposed rule changes. It attached a document setting out the proposed amendments to the rules (**Proposed Amendments**). Copies of the correspondence to the Branch Secretaries (without the attachment) are annexed hereto and marked "**A**". The attachment to the letters is annexed hereto and marked "**B**". The letters fulfilled the requirements of subrule 85(2)(a).
5. National Council met on 12 May 2022 to, among other things, consider the Proposed Amendments. Quorum requirements for National Council were satisfied in accordance with rule 50. A Quorum was maintained for the meeting.
6. National Council unanimously resolved under subrule 85(2)(b) to amend the Rules in accordance with the Proposed Amendments. The particulars of the amendment to the rules are annexed hereto and marked "**C**".
7. The particulars set out in this notice are true and correct to the best of my knowledge and belief.



Nick McIntosh
National Assistant Secretary

Dated: 13 May 2022

"Annexure A"

Transport Workers' Union of Australia

National Office

a. 388-390 Sussex St, Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



www.twu.com.au

National Secretary
Michael Kaine

9 April 2022

Tim Dawson
WA Branch Secretary
PO Box 8497
Perth Business Centre WA 6849

By email

Re: Notice of Proposed Rule Change at National Council

Dear Tim,

As you are aware our annual National Council will be held in Hobart from 9-12 May 2022.

As per Rule 85(2)(a) I write to formally advise the WA Branch of proposed rule changes which are attached to this correspondence. These proposed rule changes relate to:

- Clarifying two issues identified by the AEC at the 2018 quadrennial elections regarding the definition of a 'continuous Financial Member' and the ineligibility of a candidate in a Team Nomination;
- Enabling candidates for National Secretary and National Assistant Secretary to run as part of a 'National Team Nomination'; and
- Giving National Council the power to determine whether a quadrennial election will be held by postal ballot or electronic ballot and associated Rules regarding the running of a quadrennial election by electronic ballot.

I look forward to a successful National Council.

Regards,

Michael Kaine
National Secretary

NSW/QLD (Interim Governance) Branch
Secretary

Richard Olsen

NSW: 1800 729 909 Qld: 07 3890 3066

Vic/Tas Branch
Secretary

Mike McNess

1300 727 614

SA/NT Branch
Secretary

Ian Smith

08 8346 4177

WA Branch
Secretary

Tim Dawson

08 6313 3000

National Office

a. 388-390 Sussex St, Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



www.twu.com.au

National Secretary
Michael Kaine

9 April 2022

Mike McNess
Vic/ Tas Branch Secretary
PO Box 203
Port Melbourne Vic 3207

By email

Re: Notice of Proposed Rule Change at National Council

Dear Mike,

As you are aware our annual National Council will be held in Hobart from 9-12 May 2022.

As per Rule 85(2)(a) I write to formally advise the Vic/ Tas Branch of proposed rule changes which are attached to this correspondence. These proposed rule changes relate to:

- Clarifying two issues identified by the AEC at the 2018 quadrennial elections regarding the definition of a 'continuous Financial Member' and the ineligibility of a candidate in a Team Nomination;
- Enabling candidates for National Secretary and National Assistant Secretary to run as part of a 'National Team Nomination'; and
- Giving National Council the power to determine whether a quadrennial election will be held by postal ballot or electronic ballot and associated Rules regarding the running of a quadrennial election by electronic ballot.

I look forward to a successful National Council.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Kaine'.

Michael Kaine
National Secretary

NSW/QLD (Interim Governance) Branch
Secretary

Richard Olsen

NSW: 1800 729 909 Qld: 07 3890 3066

Vic/Tas Branch
Secretary

Mike McNess

1300 727 614

SA/NT Branch
Secretary

Ian Smith

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WA Branch
Secretary

Tim Dawson

08 6313 3000

National Office

a. 388-390 Sussex St, Sydney NSW 2000

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ABN 18 559 030 246



www.twu.com.au

National Secretary
Michael Kaine

9 April 2022

Ian Smith
SA/ NT Branch Secretary
PO Box 137
Welland SA 5007

By email

Re: Notice of Proposed Rule Change at National Council

As you are aware our annual National Council will be held in Hobart from 9-12 May 2022.

As per Rule 85(2)(a) I write to formally advise the SA/ NT Branch of proposed rule changes which are attached to this correspondence. These proposed rule changes relate to:

- Clarifying two issues identified by the AEC at the 2018 quadrennial elections regarding the definition of a 'continuous Financial Member' and the ineligibility of a candidate in a Team Nomination;
- Enabling candidates for National Secretary and National Assistant Secretary to run as part of a 'National Team Nomination'; and
- Giving National Council the power to determine whether a quadrennial election will be held by postal ballot or electronic ballot and associated Rules regarding the running of a quadrennial election by electronic ballot.

I look forward to a successful National Council.

Regards,

A handwritten signature in black ink, appearing to be 'Michael Kaine'.

Michael Kaine
National Secretary

NSW/QLD (Interim Governance) Branch
Secretary

Richard Olsen

NSW: 1800 729 909 Qld: 07 3890 3066

Vic/Tas Branch
Secretary

Mike McNess

1300 727 614

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Ian Smith

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WA Branch
Secretary

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National Office

a. 388-390 Sussex St, Sydney NSW 2000
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ABN 18 559 030 246



www.twu.com.au
National Secretary
Michael Kaine

9 April 2022

Richard Olsen
NSW/ Qld (Interim Governance) Branch Secretary
PO Box 54
Mount Druitt NSW 2770

By email

Re: Notice of Proposed Rule Change at National Council

Dear Richard,

As you are aware our annual National Council will be held in Hobart from 9-12 May 2022.

As per Rule 85(2)(a) I write to formally advise the NSW/ Qld (Interim Governance) Branch of proposed rule changes which are attached to this correspondence. These proposed rule changes relate to:

- Clarifying two issues identified by the AEC at the 2018 quadrennial elections regarding the definition of a 'continuous Financial Member' and the ineligibility of a candidate in a Team Nomination;
- Enabling candidates for National Secretary and National Assistant Secretary to run as part of a 'National Team Nomination'; and
- Giving National Council the power to determine whether a quadrennial election will be held by postal ballot or electronic ballot and associated Rules regarding the running of a quadrennial election by electronic ballot.

I look forward to a successful National Council.

Regards,

Michael Kaine
National Secretary

NSW/QLD (Interim Governance) Branch
Secretary
Richard Olsen
NSW: 1800 729 909 Qld: 07 3890 3066

Vic/Tas Branch
Secretary
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1300 727 614

SA/NT Branch
Secretary
Ian Smith
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

"Annexure B"

PROPOSED RULES CHANGES

25. National Council Powers

Insert new sub-rule 25(2)(k);

- (k) determining the manner of elections in accordance with sub-rules 59(9)(a) and 60(9)(a).

57. Eligibility to Nominate for and Hold Office

Insert a new sub-rule 57(2B) as follows;

- (2B) Subject to sub-rule (2C), for the purpose of subrules (1), (2) and 2A, a person will not be a continuous Financial Member for the requisite time unless all Dues were paid at the time they became due and payable. For clarity, this means that a person will not be considered a continuously Financial Member if they pay unpaid Dues retrospectively in a lump sum.

Insert a new sub-rule 57(2C) as follows;

- (2C) Sub-rule (2B) does not apply if a person did not pay Dues at the time that they were due and payable because of administrative error by the Union or an employer fails to process the person's authorised payroll deductions.

59. Election of National Secretary

Insert new sub-rules 59(5A) to 59(5K)

- (5A) Two eligible members may nominate as members of a "National Team Nomination" for the positions of National Secretary and National Assistant Secretary. A National Team Nomination must have a name.
- (5B) The name of a National Team Nomination must not be the same as or similar to the name of another National Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- (5C) In determining which National Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- (5D) If, in the view of the National Returning Officer, the name of any National Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the National Returning Officer must:
 - (a) approach the candidate for National Secretary of the offending National Team Nomination, and request him/her to make such changes to the Team Nomination's name as the National Returning Officer thinks necessary; and

- (b) if such changes are not made, decide whether to accept the National Team Nomination.
- (5E) A National Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called, whereupon each person will be considered to have been nominated for each position concerned.
- (5F) A National Team Nomination must be in writing and signed by each candidate.
- (5G) No member of a National Team Nomination may nominate in the election other than for that National Team Nomination.
- (5H) If a member of a National Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) after the close of nominations but more than 48 hours before ballot papers are set to be printed or electronically created;
- (a) Within 48 hours of the remaining candidate in a National Team Nomination being informed of the Excluded Person ceasing to be a member of the National Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the National Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.
 - (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the Branch Returning Officer must reject the Team Nomination and the remaining candidate may run as an individual candidate.
- (5I) If a member of a National Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) within 48 hours of ballot papers being printed or electronically created;
- (a) The Excluded Person’s withdrawal, ineligibility or exclusion will not affect the validity of the election to the office of any other member of a National Team Nomination of which that candidate is a member.
 - (b) If the other member of the National Team Nomination is elected, the position vacated by the Excluded Person will be considered a casual vacancy and must be filled in accordance with rule 62.

Delete sub-rule 59(6) and replace it with;

- (6) If the National Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a

nomination of a member of a National Team Nomination), the National Returning Officer must:

- (a) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
- (b) in the case of a National Team Nomination, sub-rules (5H) and 5(I) apply.

Amend subrule 59(9) as follows:

- (9) The election must be conducted:
 - (a) by secret **electronic or** postal ballot **as determined by National Council;**
and
 - (b) under the "first past the post" voting system.

Insert new sub-rule 59(10A), 59(10B), 59(10C) and 59(10D);

- (10A) If there is at least one National Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- (10B) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
 - (a) by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a National Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
 - (b) by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a National Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph (b) will appear on the ballot paper.

- (10C) The Ballot papers must also contain:
 - (a) the date and time of closing of the ballot; and
 - (b) the National Returning Officer's initials.
- (10D) The ballot papers must contain on the first part:

- (a) the name of each National Team Nomination; and
- (b) boxes beside the names of the National Team Nomination;

but otherwise, be unmarked in that part.

Add a new sub-clause 59(11)(ba);

- (11) (ba) the name of the National Team Nomination of each candidate (where applicable)

Add a new sub-clause 59(11A) and 59(11B);

- (11A) A vote for a National Team Nomination counts as a vote for each member of the National Team Nomination remaining on the ballot.
- (11B) (a) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.

(b) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote, the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.

Deleted sub-rules 59(13), 59(14) and 59(15)

Amend sub-rule 59(17) as follows:

- (17) The National Returning Officer must;
 - (a) in the presence of any scrutineer who wishes to be present; and
 - (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);

provide a ballot paper by an appropriate means to each voter on the list compiled in accordance with sub-rule (12).

Amend subrule 59(19) as follows;

- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot **unless the ballot paper is postmarked before the time the poll closed.**

Insert the following heading above sub-rule 59(20):

Postal Ballots

Insert the following after subrule 59(21) and renumber the remaining rules accordingly;

Electronic Ballots

- (22) A candidate has the right to request an independent audit of the National Returning Officer to ensure that:
- (a) a person who received a postal ballot did not also receive an electronic ballot and if so that the person only had one valid vote count (with primacy being placed on the electronic ballot to the exclusion of the postal ballot);
 - (b) that all persons who should have received a ballot, either electronic or postal, were sent a ballot; and
 - (c) that the integrity of the electronic ballot was not compromised in a substantial way.
- (23) Where a candidate requests an independent audit in sub-rule 59(22) it will be paid for by the Union and the National Returning Officer will select a suitable auditor.

Insert a new sub-rule 59(32) of the renumbered sub-rules as follows;

In this rule, “ballot paper” means a hardcopy or electronic ballot form, whichever is applicable.

Insert a new sub-rule 59(33) of the renumbered sub-rules as follows:

In this rule, “electronic ballot” can include a combination of electronic and postal balloting where the National Returning Officer does not have sufficient electronic details for a person/s and instead sends a postal ballot paper to the person/s. The relevant scrutineering Rules will apply to the relevant type of ballot paper.

60. Branch Elections

Delete sub-rules 60(5H), 60(I), 60(5J) and 60(K) and replace them with:

- (5H) If a member of a Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) after the close of nominations but more than 48 hours before ballot papers are set to be printed or electronically created;
- (a) Within 48 hours of the candidate for Branch Secretary (or the candidate for Branch President if the Branch Secretary is the Excluded Person or another member of the Team Nomination if both the candidate for Branch Secretary and Branch President are an Excluded Person) of the Team Nomination being

informed of the Excluded Person ceasing to be a member of the Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.

- (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the Branch Returning Officer must reject the Team Nomination and the remaining candidates may continue to run as individual candidates.
 - (c) This Rule (5H) applies separately to each Excluded Person where a Team Nomination has more than one Excluded Person.
- (5I) If a member of a Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) within 48 hours of ballot papers being printed or electronically created;
- (a) The Excluded Person’s withdrawal, ineligibility or exclusion will not affect the validity of the election to the office of any other member of a Team Nomination of which that candidate is a member.
 - (b) If the other member of the Team Nomination is elected, the position vacated by the Excluded Person will be considered a casual vacancy and must be filled in accordance with rule 63.
 - (c) This Rule (5I) applies separately to each Excluded Person where a Team Nomination has more than one Excluded Person.

Delete sub-rule 60(6) and replace it with;

- (6) If the Branch Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a nomination of a member of a Team Nomination), the Branch Returning Officer must:
 - (c) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
 - (d) in the case of a Team Nomination, sub-rules (5H) and 5(I) apply.

Amend subrule 60(9) as follows:

- (9) The election must be conducted:
 - (a) by secret **electronic or postal ballot as determined by National Council; and**

- (b) under the "first past the post" voting system.

Deleted sub-rules 60(13), 60(14) and 60(15)

Amend sub-rule 60(17) as follows:

(17) The Branch Returning Officer must;

- (a) in the presence of any scrutineer who wishes to be present; and
- (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);

provide a ballot paper by an appropriate means to each voter on the list compiled in accordance with sub-rule (12).

Amend subrule 60(19) as follows;

- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot **unless the ballot paper is postmarked before the time the poll closed.**

Insert the following heading above sub-rule 60(20):

Postal Ballot

Insert the following after sub-rule 60(21) and renumber the remaining rules accordingly;

Electronic Ballots

- (22) A candidate has the right to request an independent audit of the Branch Returning Officer to ensure that:
- (a) a person who received a postal ballot did not also receive an electronic ballot and if so that the person only had one valid vote count (with primacy being placed on the electronic ballot to the exclusion of the postal ballot);
 - (b) that all persons who should have received a ballot, either electronic or postal, were sent a ballot; and
 - (c) that the integrity of the electronic ballot was not compromised in a substantial way.
- (23) Where a candidate requests an independent audit in sub-rule 59(22) it will be paid for by the Union and the Branch Returning Officer will select a suitable auditor.

Insert a new sub-rule 60(34) of the renumbered sub-rules as follows;

In this rule, “ballot paper” means a hardcopy or electronic ballot form, whichever is applicable.

Insert a new sub-rule 60(35) of the renumbered sub-rules as follows:

In this rule, “electronic ballot” can include a combination of electronic and postal balloting where the Branch Returning Officer does not have sufficient electronic details for a person/s and instead sends a postal ballot paper to the person/s. The relevant scrutineering Rules will apply to the relevant type of ballot paper.

"Annexure C"

NATIONAL COUNCIL RESOLUTION

National Council resolves to amend the rules as follows:

Amend Rule 25 as follows:

Insert new sub-rule 25(2)(k);

- (k) determining the manner of elections in accordance with sub-rules 59(9)(a) and 60(9)(a).

Amend Rule 57 as follows:

Insert a new sub-rule 57(2B) as follows;

- (2B) Subject to sub-rule (2C), for the purpose of subrules (1), (2) and 2A, a person will not be a continuous Financial Member for the requisite time unless all Dues were paid at the time they became due and payable. For clarity, this means that a person will not be considered a continuously Financial Member if they pay unpaid Dues retrospectively in a lump sum.

Insert a new sub-rule 57(2C) as follows;

- (2C) Sub-rule (2B) does not apply if a person did not pay Dues at the time that they were due and payable because of administrative error by the Union or an employer fails to process the person's authorised payroll deductions.

Amend Rule 59 as follows:

Insert new sub-rules 59(5A) to 59(5)(I)

- (5A) Two eligible members may nominate as members of a "National Team Nomination" for the positions of National Secretary and National Assistant Secretary. A National Team Nomination must have a name.
- (5B) The name of a National Team Nomination must not be the same as or similar to the name of another National Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- (5C) In determining which National Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.

- (5D) If, in the view of the National Returning Officer, the name of any National Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the National Returning Officer must:
- (a) approach the candidate for National Secretary of the offending National Team Nomination, and request him/her to make such changes to the Team Nomination's name as the National Returning Officer thinks necessary; and
 - (b) if such changes are not made, decide whether to accept the National Team Nomination.
- (5E) A National Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called, whereupon each person will be considered to have been nominated for each position concerned.
- (5F) A National Team Nomination must be in writing and signed by each candidate.
- (5G) No member of a National Team Nomination may nominate in the election other than for that National Team Nomination.
- (5H) If a member of a National Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) after the close of nominations but more than 48 hours before ballot papers are set to be printed or electronically created;
- (a) Within 48 hours of the remaining candidate in a National Team Nomination being informed of the Excluded Person ceasing to be a member of the National Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the National Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.
 - (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the Branch Returning Officer must reject the Team Nomination and the remaining candidate may run as an individual candidate.
- (5I) If a member of a National Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) within 48 hours of ballot papers being printed or electronically created;
- (a) The Excluded Person’s withdrawal, ineligibility or exclusion will not affect the validity of the election to the office of any other member of a National Team Nomination of which that candidate is a member.
 - (b) If the other member of the National Team Nomination is elected, the position

vacated by the Excluded Person will be considered a casual vacancy and must be filled in accordance with rule 62.

Delete sub-rule 59(6) and replace it with;

- (6) If the National Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a nomination of a member of a National Team Nomination), the National Returning Officer must:
 - (a) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
 - (b) in the case of a National Team Nomination, sub-rules (5H) and 5(I) apply.

Amend subrule 59(9) as follows:

- (9) The election must be conducted:
 - (a) by secret **electronic or** postal ballot **as determined by National Council;**
and
 - (b) under the "first past the post" voting system.

Insert new sub-rules 59(10A), 59(10B), 59(10C) and 59(10D);

- (10A) If there is at least one National Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- (10B) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
 - (a) by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a National Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
 - (b) by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a National Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph (b) will appear on the ballot paper.

(10C) The Ballot papers must also contain:

- (a) the date and time of closing of the ballot; and
- (b) the National Returning Officer's initials.

(10D) The ballot papers must contain on the first part:

- (a) the name of each National Team Nomination; and
 - (b) boxes beside the names of the National Team Nomination;
- but otherwise, be unmarked in that part.

Add a new sub-clause 59(11)(ba);

- (ba) The name of the National Team Nomination of each candidate (where applicable)

Add a new sub-clause 59(11A) and 59(11B);

- (11A) A vote for a National Team Nomination counts as a vote for each member of the National Team Nomination remaining on the ballot.
- (11B)
 - (a) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
 - (b) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote, the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.

Deleted sub-rules 59(13), 59(14) and 59(15)

Amend sub-rule 59(17) as follows:

- (17) The National Returning Officer must;
 - (a) in the presence of any scrutineer who wishes to be present; and

- (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);

provide a ballot paper by an appropriate means to each voter on the list compiled in accordance with sub-rule (12).

Amend subrule 59(19) as follows;

- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot **unless the ballot paper is postmarked before the time the poll closed.**

Insert the following heading above sub-rule 59(20):

Postal Ballots

Insert the following after subrule 59(21) and renumber the remaining rules accordingly;

Electronic Ballots

- (22) A candidate has the right to request an independent audit of the National Returning Officer to ensure that:
- (a) a person who received a postal ballot did not also receive an electronic ballot and if so that the person only had one valid vote count (with primacy being placed on the electronic ballot to the exclusion of the postal ballot);
 - (b) that all persons who should have received a ballot, either electronic or postal, were sent a ballot; and
 - (c) that the integrity of the electronic ballot was not compromised in a substantial way.
- (23) Where a candidate requests an independent audit in sub-rule 59(22) it will be paid for by the Union and the National Returning Officer will select a suitable auditor.

Insert a new sub-rule 59(32) of the renumbered sub-rules as follows;

- (32) In this rule, “ballot paper” means a hardcopy or electronic ballot form, whichever is applicable.

Insert a new sub-rule 59(33) of the renumbered sub-rules as follows:

- (33) In this rule, “electronic ballot” can include a combination of electronic and postal balloting where the National Returning Officer does not have sufficient electronic details for a person/s and instead sends a postal ballot paper to the

person/s. The relevant scrutineering Rules will apply to the relevant type of ballot paper.

Amend Rule 60 as follows:

Delete sub-rules 60(5H), 60(I), 60(5J) and 60(K) and replace them with:

- (5H) If a member of a Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) after the close of nominations but more than 48 hours before ballot papers are set to be printed or electronically created;
 - (a) Within 48 hours of the candidate for Branch Secretary (or the candidate for Branch President if the Branch Secretary is the Excluded Person or another member of the Team Nomination if both the candidate for Branch Secretary and Branch President are an Excluded Person) of the Team Nomination being informed of the Excluded Person ceasing to be a member of the Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.
 - (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the Branch Returning Officer must reject the Team Nomination and the remaining candidates may continue to run as an individual candidates.
 - (c) This Rule (5H) applies separately to each Excluded Person where a Team Nomination has more than one Excluded Person.
- (5I) If a member of a Team Nomination withdraws, is ineligible, dies or is otherwise excluded from holding office (“Excluded Person”) within 48 hours of ballot papers being printed or electronically created;
 - (a) The Excluded Person’s withdrawal, ineligibility or exclusion will not affect the validity of the election to the office of any other member of a Team Nomination of which that candidate is a member.
 - (b) If the other member of the Team Nomination is elected, the position vacated by the Excluded Person will be considered a casual vacancy and must be filled in accordance with rule 63.
 - (c) This Rule (5I) applies separately to each Excluded Person where a Team Nomination has more than one Excluded Person.

Delete sub-rule 60(6) and replace it with;

- (6) If the Branch Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a nomination of a member of a Team Nomination), the Branch Returning Officer must:
 - (c) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
 - (d) in the case of a Team Nomination, sub-rules (5H) and 5(I) apply.

Amend subrule 60(9) as follows:

- (9) The election must be conducted:
 - (a) by secret **electronic or postal ballot as determined by National Council; and**
 - (b) under the "first past the post" voting system.

Deleted sub-rules 60(13), 60(14) and 60(15)

Amend sub-rule 60(17) as follows:

- (17) The Branch Returning Officer must;
 - (a) in the presence of any scrutineer who wishes to be present; and
 - (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);
provide a ballot paper by an appropriate means to each voter on the list compiled in accordance with sub-rule (12).

Amend subrule 60(19) as follows;

- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot **unless the ballot paper is postmarked before the time the poll closed.**

Insert the following heading above sub-rule 60(20):

Postal Ballot

Insert the following after sub-rule 60(21) and renumber the remaining rules accordingly;

Electronic Ballots

- (22) A candidate has the right to request an independent audit of the Branch Returning Officer to ensure that:
- (a) a person who received a postal ballot did not also receive an electronic ballot and if so that the person only had one valid vote count (with primacy being placed on the electronic ballot to the exclusion of the postal ballot);
 - (b) that all persons who should have received a ballot, either electronic or postal, were sent a ballot; and
 - (c) that the integrity of the electronic ballot was not compromised in a substantial way.
- (23) Where a candidate requests an independent audit in sub-rule 59(22) it will be paid for by the Union and the Branch Returning Officer will select a suitable auditor.

Insert a new sub-rule 60(34) of the renumbered sub-rules as follows;

- (34) In this rule, “ballot paper” means a hardcopy or electronic ballot form, whichever is applicable.

Insert a new sub-rule 60(35) of the renumbered sub-rules as follows:

- (35) In this rule, “electronic ballot” can include a combination of electronic and postal balloting where the Branch Returning Officer does not have sufficient electronic details for a person/s and instead sends a postal ballot paper to the person/s. The relevant scrutineering Rules will apply to the relevant type of ballot paper.

Moved: Terry Russell

Seconded: Ray McMillian

Unanimously carried.